

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

RODNEY RENEE HUNTER,)
Petitioner,)
vs.) Case No. CIV-10-0320-F
JIM KEITH,)
Respondent.)

ORDER

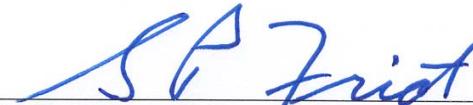
Petitioner is a state inmate requesting a writ of habeas corpus. On July 29, 2011, Magistrate Judge Robert E. Bacharach filed a Report and Recommendation (the Report), recommending that the petition be denied. (Doc. no. 35.) The Report advised the petitioner of his right to object and that failure to make timely objection to the Report would foreclose appellate review of the suggested ruling. Petitioner did not file an objection or ask for an extension of time within which to object. Upon review, and with no objection having been filed, the court concludes that it agrees with the Magistrate Judge and that no purpose would be served by any further analysis here. The court hereby **ADOPTS, ACCEPTS and AFFIRMS** the Report of the Magistrate Judge. (Doc. no. 35). The petition for writ of habeas corpus (doc. no. 1) is **DENIED**.

Petitioner is entitled to a certificate of appealability only upon making a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). This standard is satisfied by demonstrating that the issues petitioner seeks to raise are deserving of further proceedings, debatable among jurists of reasons, or subject to different resolution on appeal. *See, Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (“[W]e give the language found in §2253(c) the meaning ascribed it in [Barefoot v.

Estelle, 463 U.S. 880, 893 (1983)], with due note for the substitution of the word ‘constitutional.’’’). ‘Where a district court has rejected the constitutional claims on the merits,...[t]he petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.’’ *Id.* When a prisoner’s habeas petition is dismissed on procedural grounds without reaching the merits of the prisoner’s claims, ‘a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.’’ *Id.*

The petitioner has not made the requisite showing and a certificate of appealability is **DENIED**.

Dated this 30th day of August, 2011.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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